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Haruyoshi Ono

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EXAMINER

VAN ROY, TOD THOMAS

ART UNIT

PAPER NUMBER

2828

MAIL DATE

DELIVERY MODE

10/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/16/2008 have been fully considered but they are not persuasive.

The Applicant has argued that the prior art device cannot operate with the setting values in the predetermined range while the laser diode operates outside of the range.

It is the Examiner's position that there is at least one instance where this is true of the prior art.

As was outlined in the previous rejection of claim 9, the AAPA begins with setting the temperature and power ranges as outlined in fig.2. The device then begins to operate. During operation the device is tested to see if the wavelength has an error associated with it. If there is no error, the values are maintained and the device continues to operate. If there is an error, new setting values are generated and the device is potentially labeled as defective.

As the device operates with the given setting values in place it is possible that step S22 (fig.2) takes place upon drifting over time to a controlling point outside of the temperature variable range but still at P_cent and on the predetermined wavelength as shown in fig.3b. At this particular point, when step S22 is performed no error would be found. Since no error is found the device is allowed to continue to operate, however briefly, with the given initial setting values while the temperature is outside of the temperature variable range.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOD T. VAN ROY whose telephone number is (571)272-8447. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun Harvey can be reached on (571)272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TVR/

/Minsun Harvey/
Supervisory Patent Examiner, Art Unit 2828